

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUDOLPH SCOTT,

Plaintiff,

-against-

NEW YORK CITY DEP'T OF
CORRECTIONS, ET AL.,

Defendant.
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10 Civ. 294 (PKC) (KNF)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

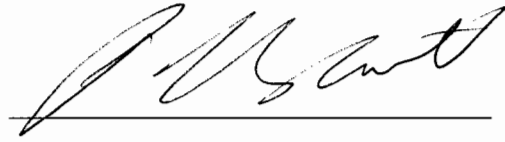
P. KEVIN CASTEL, District Judge:

I referred this action brought under 42 U.S.C. § 1983 to Magistrate Judge Kevin N. Fox for general pretrial matters. Magistrate Judge Fox issued a Report and Recommendation ("R&R") recommending that the plaintiff's instant action be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m) and 41(b). (R&R at 2).

The R & R advised the parties that they had fourteen days from service of the R & R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. The R & R expressly called plaintiff's attention to Rule 72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038 (1992). See also Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008).

The R & R is adopted and the action is dismissed without prejudice.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Castel', written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
June 22, 2010

A handwritten signature in black ink, appearing to read 'J. Castel', written over the date.